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March 21, 2013

VIA ECF

The Honorable William F. Kuntz, II
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**RE: Oved v. Vandenberg
12 CV 4706 (WFK) (RLM)**

Dear Judge Kuntz:

I represent the plaintiff in the above matter. I am responding to the Court's order to show cause. I have had intermittent contact with a representative of the defendant collection agency/corporation. While I do not believe that the defendant led me to believe that it would not accept service, it never signed the waiver. Candidly, I should have had the defendant served some time in the past and filed an affidavit of service, but did not want to disrupt our attempting to get to the heart of the matter. In further response to the Court's order, I retained a process server to serve the Secretary of State of New York on a non rush basis and will file the affidavit of service when received (except I point out that I will be out of the office during the Passover holiday, but will make efforts to obtain the affidavit and file it before the holiday). Plaintiff respectfully requests that the service at or about this date is deemed timely served nunc pro tunc.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,

/s/

Adam J. Fishbein